

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

INDECK KEYSTONE :
ENERGY, LLC, a Delaware limited liability :
company, :
Plaintiff, : CIVIL ACTION
v. : NO. 04-CV-325 (ERIE)
VICTORY ENERGY :
OPERATIONS, LLC, a Delaware limited :
liability company, :
Defendant. : Judge Sean J. McLaughlin

ORDER

1. AND NOW, this _____ day of _____, 2007,
upon consideration of Plaintiff's Motion *in Limine* to Preclude Defendant from Arguing for
"Reasonable Royalty" Damages On Plaintiff's Trademark, Misappropriation of Trade Secrets,
Unjust Enrichment and Unfair Competition Claims, and any response thereto, it is hereby
ORDERED that the Motion is GRANTED. Defendant hereby is and shall be precluded from
arguing to the jury at trial that it is entitled to "reasonable royalty" damages on Plaintiff's
trademark, misappropriation of trade secrets, unjust enrichment, and unfair competition claims.

BY THE COURT:

McLaughlin, J.